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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN R. HALVERSON,
Petitioner,
vs.
QUINTIN BYRNE, *et al.*,
Respondents.

Case No. 3:16-cv-00025-HDM-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition in the instant action challenges petitioner's state conviction for conspiracy to commit robbery and robbery with the use of a deadly weapon, in the Eighth Judicial District Court for the State of Nevada, Case No. 07C231500. Petitioner previously challenged the same conviction in this Court, filed under case number 2:10-cv-02083-PMP-GWF. The petition in case number 2:10-cv-02083-PMP-GWF was dismissed as procedurally defaulted. (ECF No. 17 in 2:10-cv-02083-PMP-GWF).

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1 A successive habeas petition may not be filed in this Court unless the petitioner has obtained
2 permission from the Ninth Circuit Court of Appeals. *See* 28 U.S.C. § 2244(b)(3)(A) (“Before a
3 second or successive application permitted by this section is filed in the district court, the applicant
4 shall move in the appropriate court of appeals for an order authorizing the district court to consider
5 the application.”). Petitioner has made no allegation or showing that he has obtained such
6 permission from the Court of Appeals. Therefore, this action will be summarily dismissed.

7 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
8 No. 1) is **GRANTED**. Petitioner is not required to pay the filing fee for this action.

9 **IT IS FURTHER ORDERED** that the Clerk of Court shall separately file the petition,
10 which is attached to the application to proceed *in forma pauperis*.

11 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF
12 No. 1-2) and motion to file extra pages (ECF No. 1-3) are **DENIED**.

13 **IT IS FURTHER ORDERED** that the Clerk of Court shall add Adam Paul Laxalt,
14 Attorney General of the State of Nevada, to the CM/ECF docket, as counsel for respondents. The
15 Clerk of Court shall electronically serve respondents with a copy of the habeas corpus petition and a
16 copy of this order. Respondents need take no action with respect to this case.

17 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice as a
18 successive petition.

19 IT IS FURTHER ORDERED that petitioner is DENIED a certificate of appealability.

20 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

21 Dated this 13th day of September, 2016.

Howard D. McRabb

HOWARD D. McKIBBEN
UNITED STATES DISTRICT JUDGE